IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9915 of 2005

Between:

P.Janaki W/O Rambabu,
R/O Shantinagar, Gudiwada,

Krishna District.

..... PETITIONER

AND

1. The Mandal Revenue Officer,
Nandiwada Mandal,
Krishna District.

2. Atluri Venkateswar Rao S/O Basavaiah,
R/O Venkataraghavapuram H/O Kudaravalli village,
Nandiwada Mandal, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to o issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not taking proper steps to protect the environment and allowing the 2nd respondent to dig the land for carrying out Aqua Cultural Operations is illegal and consequently direct the 1st respondent not to permit any person including the 2nd from converting the agricultural land in R.S.No. 17/2, 17/3 and Sy.No. 18/2 situated at Kondavari Village, Nandiwada Mandal, Krishna District.

Counsel for the Petitioner:MR.P.R.PRASAD

Counsel for the Respondent No.1: GP FOR REVENUE
Counsel for the Respondent No.2: None appeared

The Court, at the stage of admission, made the following :

ORDER:

This writ petition is filed seeking a declaration that the action of the first respondent – Mandal Revenue Officer in not taking the necessary action to protect the environment in allowing the second respondent to carry on the aqua culture by converting the agricultural lands in R.S.Nos.17/2, 17/3 and Sy.No.18/2 situated at Kondavari Village, Nandiwada Mandal, Krishna District as arbitrary and illegal.

The petitioner who claims to be the owner and possessor of the land situated in RS.No.17/1 of Kondavari Village, Nandiwada Mandal states that the second respondent has converted the agricultural land belonging to him situated in RS.Nos.17/2, 17/3 and Sy.No.18/2 into aqua culture tanks without obtaining any permission from the competent authority. It is stated that on 20-01-2004 the petitioner made a compliant before the first respondent and in pursuance thereof the second respondent was directed to stop the conversion of the land in question into fish tank. Thereafter, the second respondent has stopped the activity for some time but on 19-4-2005 he has again started digging the lands for the purpose of aqua culture. Immediately, the petitioner complained to the first respondent, but he failed to take effective steps in preventing the second respondent from proceeding further. Hence, this writ petition.

Having heard learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the first respondent, and keeping in view the guidelines issued by a Division Bench of this Court in MADIREDDY PADMA RAMBABU v. DISTRICT FOREST OFFICER, KAKINADA, I am of the view that it is necessary for the first respondent to enquire into the allegations made by the petitioner and to take necessary steps in accordance with law.

Accordingly, without expressing any opinion as to the correctness of the allegations made by the petitioner, the writ petition is disposed of with a direction to the first respondent to consider the representation made by the petitioner on 20.01.2004 in the light of the guidelines issued by the Division Bench in MADIREDDY PADMA RAMBABU's case (1 supra) and to take necessary action in accordance with law, after affording due opportunity to the second respondent to rebut the allegations made. Such exercise shall be completed as expeditiously as possible, preferably within a period of six weeks from the date of receipt of this order.

The writ petition is accordingly disposed of. No costs.

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27.04.2005

Note: Furnish C.C., in one week.

(B/O)

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To

1. The Mandal Revenue Officer,
Nandiwada Mandal,
Krishna District.

2. Two C.Cs to the G.P., for Revenue, High Court Buildings,
Hyderabad (OUT).

3. 2 CD copies